IN THE HIGH COURT OF JUDICATURE AT BOMBAY

Appellate Side

Writ Petition 8758 of 2005

Shri Kala Ramnihor Tiwari..Petitioner
vs
The State of Mah and ors..Respondents

Mr.Rakesh M Pandey for petitioner
Mr. D.A.Patil AGP for State

CORAM: S.U.KAMDAR J.

Dated 2l.l2.2005

P.C:

. The present petition is challenging the order of the learned Judge of the City Civil Court Bombay dated 23.8.2005 rejecting application for production of document from the custody of the defendant and closing the case for evidence. The learned counsel for the petitioner also contends that he wants to produce the registered gift deed which already filed in a companion proceeding in the City Civil Court Bombay. The trial court erred in refusing to grant the said prayer to produce the document as in the examination in chief the said document will be relied upon by the petitioner herein . In that light of the matter the order dated 23.8.2005 is quashed and set aside. The petitioner is permitted to produce the said document and if necessary the trial court will

issue letter of request within a period of two weeks from today. If such a letter is issued then the defendants will produce the said document. The trial court will also permit the petitioner to rely upon the said registered gift deed which is already filed in the companion proceeding in the City Civil Court Bombay by permitting the petitioner to produce papers in the said companion proceedings. In that light of the matter present petition succeeds. The impugned order dated 23.8.2005 is quashed and set aside. The trial court is directed to proceed further with the evidence. The learned counsel for the petitioner states that he does not lead any further examination except production of aforesaid document. Petition is disposed of accordingly with no order as to costs.